

# HISTORIC PRESERVATION COMMISSION

## Minutes

August 13, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, August 13<sup>th</sup> in the Council Chambers at the City Hall, 217 S. Main Street.

**Present:** Anne Lyles, Jack Errante, Susan Hurt, Deborah Johnson, Judy Kandl, Emily Perry, Andrew Pitner, Kathy Walters, Anne Waters.

The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

### **Requests for Certificates of Appropriateness**

**H-22-08 135 E. Fisher St.** – Piedmont Players Theater, Inc., owner  
E. William Wagoner, applicant / agent

**Request:** Changes to the previously-approved COA for renovations to the existing building (Fisher Street Theater project).

Bill Wagoner, applicant, and Perry Peterson, architect; along with Janet Gapen, staff, were sworn in to give testimony for the request.

Janet Gapen began by giving a brief summary of the project. She stated that the project had come before the commission in 3 different phases as follows:

**Phase 1:** Presentation of the concept review

**Phase 2:** Presentation of the details and site plan which included plans for demolition.

Janet Gapen showed slides as she described that proposal presented to the Commission in

**August 2008.** As a result approval was granted as follows:

#### **Fisher Street elevation**

- (1) Demolition of non-original front façade, retaining original brick corner pilasters.
- (2) Build new brick façade with stepped parapet wall, brick remaining unpainted.
- (3) Installation of new aluminum-clad wood windows double-hung to match service alley elevation.
- (4) Extension of upper windows across entire front façade with corner-mounted marquee.

#### **Lee Street elevation**

- (1) Infill of 2 upper windows with brick.
- (2) Install 7 new aluminum-clad wood windows to match existing openings.
- (3) Clean brick 2-story section.

#### **Metal Siding (new roof)**

- (1) Prefinished metal panels.

#### **Rear**

- (1) Mechanical screening wall of pierced brick
- (2) Brick sidewalk.

### **Service Alley**

- (1) Infill 3 of 6 existing window openings.
- (2) Clean and repoint brick on 2-story section.
- (3) Repaint brick on one-story section.

### **Phase 3: Proposal presented July 2009**

The slide presentation continued as Janet Gapen described the presentation of the following proposal:

#### **Fisher Street elevation**

- (1) Retain original corner pilasters.
- (2) Stepped parapet lower in height than originally approved.
- (3) Paint existing brick and fill brick.
- (4) Change window material to fiberglass.
- (5) Removal of windows in area above front entrance to allow for placement of marquee.

#### **Lee Street elevation**

- (1) Infill of 3 upper windows
- (2) Install 6 new fiberglass windows
- (3) Brick infill and new rowlock at sill; paint brick.

#### **Metal siding (new roof)**

- (1) Change of manufacturer.

#### **Rear**

- (1) Chain link fencing (withdrawn by applicant at the meeting).
- (2) Concrete sidewalk.

#### **Service alley**

- (1) Infill all 6 existing window openings.
- (2) Paint all brick.

As a result the motion to grant the approval failed; a committee was appointed to meet with the applicant.

Janet Gapen continued with the current proposal and an explanation of the recommendations from the committee.

### **Current Proposal**

#### **Fisher Street elevation**

- (1) Same façade as requested in July.
- (2) Lowering step parapet; elevation of roof stepped back from front of building. A slide was shown of the new angle-view drawing which helped to show that a lower front parapet would not result in a significant change in the amount of the roof that would be seen from Fisher St. or from mid-block.
- (3) Painted brick – the committee agreed that painting the brick was a compatible solution to help tie together the variety of brick on the building
- (4) Aluminum-clad windows as previously approved.

- (5) Upper windows - omit windows in area above front entrance to allow for placement of marquee sign.

#### **Lee Street elevation**

- (1) Infill 3 upper windows, as proposed July 2009.

*The committee agreed that while this is an increase of bricked-in windows, the overall arrangement could be seen as less obtrusive (more continuity).*

- (2) Install 6 aluminum-clad windows to fit existing openings as originally approved.
- (3) Paint entire building

#### **Metal siding (new roof)**

- (1) Change of manufacturer only. *No change in materials.*

#### **Rear**

(2) No chain link fencing, as amended July 2009. *Meets guidelines for screening through use of landscaping.*

(3) Concrete sidewalk, as proposed July 2009. *Concrete is a compatible material for sidewalks in the downtown.*

#### **Service Alley**

(1) Infill all 6 existing window openings on 2-story section. *Preserves continuity; also, service alley is the least important elevation.*

(2) Paint all brick, as proposed July 2009. *Brick was previously painted and the service alley is not as critical as other elevations.*

Janet Gapen stated that the applicants have provided the color renderings as requested by the committee. She informed the Commission that the marquee as proposed does not meet the zoning code. She said they would need to include mitigating factors to support it or request that it be placed differently which would require the applicants to come back for approval.

Mr. Wagoner described the following resolved issues as requested by the committee:

- Installation of aluminum clad windows rather than fiberglass windows.
- Landscape screening; no chain link fencing.
- Concrete sidewalk.

Mr. Perry presented the submitted drawing which showed the roof setback, change in parapet height, change of marquee location, and change in the quantity of infill windows. In addition, he pointed out the brick infills on the lower level of the service alley elevation.

Upon Judy Kandl's request, Mr. Perry also pointed out the proposed colors from the submitted rendering.

In response to a question from Judy Kandl, Mr. Wagoner said the awning material would be fabric.

## Public Hearing

The following persons were sworn in to give testimony in support of the request:

**Jack Thomson**, Historic Salisbury Foundation Director. Mr. Thomson read a prepared statement of support for the project. He requested that the Commission be explicit in making the motion.

**Richard Hoffman**, former HPC chairman, named the reasons for his objection to the previous proposals, as well as the appropriateness of the current proposal.

**Edward Norvell**, Piedmont Players Board member, also spoke in favor of the request. Mr. Norvell asked those persons whom had accompanied him to the meeting in support of the theater to stand. Approximately 20 or more persons were present.

**Holly Grant**, an art teacher at Overton Elementary School, informed the Commission that the theater would be an opportunity to enrich the lives of children through art. She said, *"We're going from a pool hall to a children's theater, and I think that's a really good change."*

There was no one present to speak in opposition.

## Deliberation

Commission members deliberated on the following summary items:

**Item #1** Paint existing brick and fill brick.

Susan Hurt voiced her disapproval of painting the building as proposed. She said it would not be appropriate to a building of its size to be in one color. Judy Kandl agreed. She stated that she would like to see more contrast in the paint colors and different colors for the trim.

**Item #3** Infill 3 upper windows.

Kathy Walters stated that the infill of 3 windows rather than 2 allows the building to look more cohesive.

**Item #5** Paint all brick.

Anne Lyles and Kathy Walters commented that the majority of the building had already been painted. Judy Kandl stated her desire to have seen more contrast in the paint colors. She said often times more contrast is better.

**Item #8** Concrete sidewalks

Commission members agreed that use of concrete meets the guidelines.

**Item 9** Infill all 6 existing window openings.

Judy Kandl voiced her concern with the infill of 6 windows. She said taking out the existing windows and putting in stock windows that do not fit and adding brick infill does not meet the guidelines. Susan Hurt agreed and stated that she did not agree with the statement that the service alley is not an important elevation. She said the windows would be visible when walking on Fisher St., as well as on Main to Lee St.

Janet Gapen reminded Commission members that the approval had already been granted for the in-fill of 3 windows. She said the infill of all 6 existing window openings would preserve continuity.

### Awnings

Judy Kandl informed the applicants that the installation of the proposed awnings on the outside of the openings does not meet the guidelines. She read as follows: *Mount awnings in a manner that does not obscure or damage historic architectural features of the building. Awnings should be placed appropriately above the transom and projecting over individual window or door openings. They should fit within the window or door opening. A continuous awning is not appropriate.*

Janet Gapen reminded Commission members that the individual awnings were approved because a continuous awning, as was previously requested, does not meet the guidelines.

Mr. Wagoner described how the awnings would be installed over the windows. He also gave an explanation of what he believed to be the purpose for awnings. He stated that the proposed awnings would meet the intent of the guidelines.

Anne Waters voiced her agreement with the explanation given by Mr. Wagoner.

There being no further comments or questions, the Chair called for a motion.

### Motion

Kathy Walter made the motion as follows: “I move that the Commission find the following facts concerning Application #H-22-09 – that E. William Wagoner, applicant for Piedmont Players Theater, and Perry Peterson, architect, appeared before the Commission and sought a Certificate of Appropriateness to revise plans for the Fisher Street Theater – that Jack Thompson, Richard Huffman, Edward Norvell, and Holly Grant appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 3 – New Construction & Additions – New Construction, pages 46-49, guidelines 11-17; Chapter 2 – Changes to Buildings – Storefronts, pages 20-22, guideline 7; Chapter 2 – Changes to Buildings – Upper Facades, pages 23-25, guideline 8; Chapter 2 – Changes to Buildings – Side & Rear Facades, pages 26-28, guidelines 1-9; Chapter 2 – Changes to Buildings – Windows & Doors, pages 30-31, guidelines 1-12; Chapter 2 – Change to Buildings, Masonry, pages 31-33, guidelines 1-8; and Chapter 4 – Site Features & District Setting – Signage & Awnings, pages 54-56, guidelines 10-12, and 15 of the Non-Residential Historic District Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application H-22-09 be granted to E. William Wagoner, applicant for Piedmont Players, owner of 135 E. Fisher Street, to make the changes detailed in the application.”

Jack Errante seconded the motion. Commission members Anne Lyles, Jack Errante, Deborah Johnson, Emily Perry, Andrew Pitner, Kathy Walters, and Anne Waters voted AYE; members Susan Hurt, Judy Kandl voted NO.

**H-39-09 429 S. Church St. – Carol Jean Cooper, owner**

**Request:** (1) Replacement and redesign of current rear deck (2) Replacement of front entry door

Carol J. Cooper, owner, and Ken Weaver, agent, were sworn in to give testimony for the request.

Staff presented slides.

Anne Lyles requested recusion from her seat for the hearing of the request. The motion was made by Kathy Walters and seconded by Susan Hurt.

Ms. Cooper informed Commission members that the existing front door does not fit the opening properly, so it is not air tight which causes air to blow in.

She presented pictures of the proposed door which is 35 ¾ inches wide.

Pertaining to the rear deck, Ms. Cooper testified that the existing deck which is not original to the house is contemporary in style. The flooring on the deck is rotted and will be replaced with a porch that is similar to the front porch.

Janet Gapen informed the Commission that since Ms. Cooper's meeting with DRAC some modification has been made to the original plan.

Ken Weaver began his testimony by describing the changes as shown in the modified drawing which included the reconstruction of the existing foundation and the placement of brick steps in a new location. He stated that the steps would be in the center leading directly into the entrance door of the sun room. The new foundation wall will be constructed of block.

He further testified that a header beam would be added to define the porch ceiling. The addition of 2-inch square spindles will be added for a 36-inch high rail that will be in line with the existing windows. There will be 2 matching short columns added on either side with matching banisters.

In response to questions from Judy Kandl, Mr. Weaver testified that the deck posts would be constructed using decorative wood work. The handrails will also be decorative and will meet code. The columns will be square with square openings on the sides. The existing lights will remain.

Ken Weaver informed the commission that the existing door had been constructed from a multi-pane window. He said it had been altered tremendously and did not fit properly.

In reference to a question from Susan Hurt, Ms. Cooper testified that she did not know the history of the door. She stated it was wide enough to fit securely in the opening and would provide better energy efficiency as well as maintaining the historic architecture of the house. She described the old stained glass panel on the interior surface of the door which abuts the clear glass panel that is original to the door.

## Public Hearing

There was no one present to speak in support or opposition to the request.

## Deliberation

There were additional questions or comments pertaining to the request from Commission members.

## Motion

Jack Errante made the motion as follows: “I move that the Commission find the following facts concerning Application #H-39-09 – that Carol Jean Cooper, owner of 429 S. Church Street, and Kenneth Weaver, agent, appeared before the Commission and sought a Certificate of Appropriateness for the replacement and redesign of rear deck and replacement of entry door; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Porches, Entrances, & Outbuildings, pages 22-23, guidelines 1-13; Chapter 2 – Changes to Buildings – Foundation, pages 20-21, guidelines 1-10 of the Residential Historic District Design Guidelines; mitigating factors: Revised plans following committee meeting were presented at the Commission meeting; front door appears not to be original, foundation that is to be demolished is not original to the house; therefore, I further move that a Certificate of Appropriateness for Application #H-39-09 be granted to Carol Jean Cooper, owner of 429 S. Church Street, to make the changes detailed in the application.”

Kathy Walters seconded the motion; all members present voted AYE.

**H-40-09 131 W. Bank St.** – Mark & Barbara Perry, owner  
**Request:** Install hand rails on either side of front porch granite steps.  
(Holes indicate prior rails for safety reasons).

Mark Perry, Jr. was sworn in to give testimony for the request.

Staff presented slides.

Mr. Perry informed the Commission that the proposed hand rails are needed for safety purposes. He stated that the granite stairs become slippery when wet and the rails are needed for guests who use the front door. Mr. Perry testified that existing holes indicate that there had been rails on the porch before.

Janet Gapen showed slides of various handrails at residential properties throughout the district.

In response to questions from Judy Kandl and Andrew Pitner, Mr. Perry stated that finials would be included in the rail design. The material of the rail is wrought iron, and the rails would be painted black.

## Public Hearing

There was no one present to speak in support or opposition to the request.

## Deliberation

There were no further questions from Commission members. Judy Kandl stated that the request complies with the guidelines.

## Motion

Andrew Pitner made the motion as follows: “I move that the Commission find the following facts concerning Application #H-40-09 – that Mark Perry, Jr., resident and son of Mark & Barbara Perry, owners of 131 W. Bank Street, appeared before the Commission and sought a Certificate of Appropriateness to install hand rails on either side of front porch granite steps; that no one appeared before the Commission to speak in support or opposition to the request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 – Changes to Buildings – Architectural Metals, pages 30-31, guidelines 8 and 9; Chapter 2 – Changes to Buildings – Life Safety and Accessibility – pages 38-39, guidelines 2 and 5 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-40-09 be granted to Mark & Barbara Perry, owners of 131 W. Bank Street, to make the changes detailed in the application.”

Emily Perry seconded the motion; all members present voted AYE.

**H-09-09 120 E. Council St. – SBJA, LLC, owner – Clay Lindsay, applicant**

**Request:** Changes to approved plans for façade renovation: (1) Wall-mounted light scones (2) Wall-mounted security cameras (3) Elimination of 2 doorways from parking lot elevation (4) Up-lights on monument sign (5) Retaining walls and minor changes at parking lot entrance.

Clay Lindsay was sworn in to give testimony for the request.

Staff presented slides.

Janet Gapen began by giving a brief summary of the project as follows:

- September 2006 COA granted for façade improvements
- January 2007 New site plans approved and COA granted for revisions to previous approval
- February 2009 COA granted for site improvements to parking lot

She stated that upon her inspection of the building for issuance of the Certificate of Occupancy several things were seen to be different from the previous approvals. She clarified that the changes are not inappropriate but just needed to be reviewed by the Commission.



Ms. Gapen presented slides to indicate the following changes observed that needed review from the Commission:

1. Addition of wall-mounted lights on the Council Street elevation
2. Addition of 2 wall-mounted security cameras on the rear façade
3. Elimination of 2 doorways from parking lot elevation
4. Up-lights on monument signs
5. Retaining walls and minor changes at parking lot entrance

Clay Lindsay explained to the Commission the reasons for the changes shown. He stated that the exterior light scones on the facade are the same lights which had previously met the LEED certification. He said the light shines down toward the ground.

He testified that all the lights match the other components of the building.

He further stated that the security cameras are needed for security reasons.

Clay Lindsay explained the wall located on either side of the front entrance is actually not a retaining wall but was constructed to hide a handicap ramp located on the right side and was placed on the left side to balance the appearance.

The 2 doorways from the parking lot were eliminated from the plan and not built.

### Public Hearing

There was no one present to speak in support or opposition to the request.

### Deliberation

Judy Kandl stated that the lighting guidelines still apply even if the fixtures are LEED certified. She said it should not be an automatic approval.

There were no other comments from Commission members.

### Motion

Jack Errante made the motion as follows: “I move that the Commission find the following facts concerning Application #H-09-09 – that Clay Lindsay, applicant for SBJA, Inc., owner of 120 E. Council Street, appeared before the Commission and sought a Certificate of Appropriateness to make changes to approved plans for façade renovations, including wall-mounted wall scones, wall-mounted security cameras, elimination of 2 doorways from the parking lot elevation, up-lights on monument sign, and retaining walls and minor changes at the parking lot entrance; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features & District Setting – Parking & Paving, pages 57-58, guidelines 2,3, and 4; Chapter 4 – Site Features & District Setting – Landscaping & Streetscape, pages 59, 60, guidelines 2,7,8 and

12; Chapter 4 – Site Features & District Setting – Lighting, page 61; guidelines 1,2, and 6; Chapter 2 – Changes to Buildings – Side & Rear Facades, pages 26-28, guideline 3 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-09-09 be granted to Clay Lindsay, applicant for SBJA, Inc., owner of 120 E. Council Street, to make the changes detailed in the application.”

Kathy Walters seconded the motion.

Commission members Anne Lyles, Jack Errante, Deborah Johnson, Emily Perry, Andrew Pitner, Kathy Walters, and Anne Waters voted AYE; members Susan Hurt, Judy Kandl voted NO.

In response to a question from Judy Kandl who asked if the changes could have been approved through minor works since it was an on-going project, Janet Gapen said in some cases it could; however, when it is a change that affects the overall design, such as the rhythm of windows or introduces a new feature that wasn't part of the original approval, it would require commission approval. Minor Works #32 was intended for only minor revisions to the plan that don't interfere with the overall design.

### **Minor works**

There were no questions pertaining to the minor works approved in July.

### **Other Business**

#### Blackmer House

Janet Gapen stated that no response has been received from Jonathan Blackmer who was mailed a letter in April asking permission to market the Blackmer property with various conditions. The committee met and has agreed that another letter should be sent to Mr. Blackmer in an attempt to get a response from him. Ms. Gapen said she would draft the letter for review. Ms. Gapen stated that the delay ends on October 9<sup>th</sup> which is fast approaching.

### **Minutes**

The August minutes will be deferred until the next meeting in order to allow each member an opportunity to read the minutes thoroughly prior to approval.

## **Adjournment**

There being no other business to come before the Commission, the meeting was adjourned at 7:08 p.m.

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Anne Lyles, Chairperson

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Judy Jordan, Secretary